

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNIVERSITY OF WASHINGTON, D/B/A
UNIVERSITY OF WASHINGTON
MEDICAL CENTER, and HARBORVIEW
MEDICAL CENTER,

Plaintiffs,

V.

SYLVIA M. BURWELL, in her official capacity as Secretary, United States Department of Health and Human Services,

Defendant.

CASE NO. 2:13cv1156-RSM

MOTION AND ORDER FOR VOLUNTARY DISMISSAL

Defendant.

Come now the Plaintiffs, University of Washington, d/b/a University of Washington Medical Center and Harborview Medical Center (the “Hospitals”), and file this Motion of Voluntary Dismissal pursuant to Fed. R. Civ. P. 41(a)(2), together with a Proposed Order.

This case turns on a single legal question: whether in the context of applying a formula to calculate a portion of the Hospital’s Medicare reimbursement, the Secretary properly excluded from the adjustment pertaining to the Hospital’s indirect graduate medical education (“IME”), the time spent by Hospital residents conducting research that was unrelated to any particular patient’s care. This exact issue has been addressed in two other cases in which the court of appeals ruled in favor of the Secretary. *Rush University Medical*

1 *Center v. Burwell*, 763 F.3d 754 (7th Cir. 2014); *Henry Ford Health System v. Department of*
2 *Health and Human Services*, 654 F.3d 660 (6th Cir. 2011). In light of these decisions, the
3 Hospitals have decided not to pursue this issue further. Accordingly, the Hospitals now
4 move to voluntarily dismiss this case without prejudice and without costs to any party.

5

6

DATED this ____ day of February, 2015.

7

8

/s/ Michael Madden
MICHAEL MADDEN
BENNETT BIGELOW & LEEDOM
601 Union Street, Suite 1500
Seattle, WA 98101
Phone: 206-622-5511
E-mail: Mmadden@bbllaw.Com

13

14

Attorneys for the Plaintiffs

15

16

/s/ Thomas W. Coons
THOMAS W. COONS
OBER, KALER, GRIMES & SHRIVER
100 Light Street
Baltimore, MD 21202
Phone: 410-685-1120
E-mail: Ttwoons@ober.com

21

22

Attorneys for Defendants

23

24

25

26

27

28

ORDER

IT IS SO ORDERED this 20th day of February 2015.



**RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE**